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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,668	07/26/2001	Jody Bern Joyner	AUS920000904US1	7304

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EXAMINER
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MASKULINSKI, MICHAEL C

ART UNIT	PAPER NUMBER
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2113

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/915,668

Applicant(s)

JOYNER ET AL.

Examiner

Michael C Maskulinski

Art Unit

2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-11, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 12, 13 and 16-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**Non-Final Office Action**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4-6, 9-11, 14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Frankel et al., U.S. Patent 5,187,706.

Referring to claims 1, 9, and 14:

- a. In column 2, line 68 continued in column 3, lines 1-4, Frankel et al. disclose that the invention is applicable to any nodes of any type of communications network (a plurality of processing nodes). Further, in column 4, lines 21-56, Frankel et al. teach a high speed, high bandwidth system topology.
- b. In column 3, lines 14-17, Frankel et al. disclose that a broadcasting element replicates the traffic supplied to it and transmits that traffic to at least two paths (each of the processing nodes having at least one agent therein to process data).
- c. In column 4, lines 10-20, Frankel et al. disclose a low-speed self-healing ring (a recovery bus in the system topology operating at a lower speed than the high speed topology and connecting the plurality of processing nodes together).
- d. In column 3, lines 46-56, Frankel et al. disclose that poor signal quality may be detected by determining the presence of "hard" and "soft" failures (the

agents in the processing nodes monitoring the status of processing in the high speed topology to sense a system error in the high speed topology).

e. In column 5, lines 67-68 continued in column 6, lines 1-25, Frankel et al. teach the agents in the processing nodes transferring communication from the high speed topology to the recovery bus in response to a system error in the high speed topology).

Referring to claim 2, in Figure 1, Frankel et al. disclose a non-hierarchical loop interconnect architecture.

Referring to claims 4 and 15, in the Abstract, Frankel et al. disclose that each type of automatic network reconfiguration is executed in a manner such that as soon as it is possible to employ the original configuration, the network automatically reverts to the original configuration (the agents in the processing nodes transferring communication from the recovery bus to the high speed topology in response to the system error being remedied).

Referring to claims 5 and 10, in column 3, lines 22-31, Frankel et al. teach a wired bus.

Referring to claims 6 and 11, in column 3, lines 22-31, Frankel et al. teach a virtual bus.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frankel et al., U.S. Patent 5,187,706, and further in view of Kori, U.S. Patent 6,223, 236 B1.

Referring to claim 3, in Figure 1, Frankel et al. disclose a non-hierarchical loop interconnect architecture. However, Frankel et al. don't explicitly disclose a hierarchical bus topology. In the Abstract, Kori discloses a hierarchical bus. It would have been obvious to one of ordinary skill at the time of the invention to include the hierarchical bus of Kori into the system of Frankel et al. A person of ordinary skill in the art would have been motivated to make the modification because a hierarchical bus increases the number of devices connectable to the bus (see Kori: column 1, lines 17-18) and the quantity of data transmitted to a system at an upper layer can be reduced (see Kori: Abstract).

#### ***Allowable Subject Matter***

5. Claims 7, 8, 12, 13, and 16-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,671,712 B1	Arimilli et al.
U.S. Patent 6,718,480 B1	Ogura et al.
U.S. Patent 6,023,452	Shiragaki


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C Maskulinski whose telephone number is (703) 308-6674. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MM

  
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